

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

EDWARD E. WALKER,  
Petitioner,  
v.  
JERRY HOWELL, et. al.,  
Respondents

Case No. 2:18-cv-02428-RFB-CWH

## ORDER

JERRY HOWELL, et. al,  
Respondents.

Petitioner has filed an application to proceed *in forma pauperis* and a habeas petition. ECF No. 1.

The matter has not been properly commenced because the pauper application does not include all required attachments. Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR1-2, a petitioner must attach both an inmate account statement for the past six months and a properly executed financial certificate. Petitioner has not complied with either requirement. The application is therefore incomplete. Additionally, the petition is practically illegible.

The application for leave to proceed *in forma pauperis* will be denied, and the present action will be dismissed without prejudice to the filing of a new petition in a new action with a pauper application on the proper form with all required attachments.

IT THEREFORE IS ORDERED that the application to proceed *in forma pauperis* (ECF No. 1) is DENIED and that this action shall be DISMISSED without prejudice to the filing of a new petition in a new action with a properly completed pauper application.

1 IT FURTHER IS ORDERED that a certificate of appealability is DENIED, as  
2 jurists of reason would not find the court's dismissal of this improperly commenced  
3 action without prejudice to be debatable or incorrect.

4 IT FURTHER IS ORDERED that the Clerk shall send petitioner two copies each  
5 of an application form to proceed in forma pauperis for incarcerated persons and a  
6 noncapital Section 2254 habeas petition form, one copy of the instructions for each  
7 form, and a copy of the papers that he submitted in this action.

8 IT FURTHER IS ORDERED that the Clerk of Court shall enter judgment  
9 accordingly and close this case.

10 DATED this 24th day of January, 2019.

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14 RICHARD F. BOULWARE, II  
15 UNITED STATES DISTRICT JUDGE  
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